

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1 OF 2004
IN
CIVIL APPLICATION NO. 42 OF 2003
IN
CIVIL CONTEMPT PETITION NO. 459 OF 2001

Mr. Vinay A. Rathi ..Petitioner
versus
Mr. M. S. Rao, Sr. Inspector
of Police & Ors. ..Respondents

Mr. V. A. Rathi for the Petitioner.
Ms. Kokila Karla i/b. Manjula Rao for the
Respondent No.1.

CORAM : D.G. DESHPANDE, J.

DATED : 8TH FEBRUARY, 2005

P.C. :

1. In Civil Contempt Petition No. 459 of 2001 Justice Khandeparkar had passed an order. Thereafter the petitioner filed Civil Application NO. 42 of 2003. Prayers (a) and (b) in that application were as follows:

"a. that to inquire with the Respondent no.1 and respondent No.3 about the false and incorrect statement made by respondent No.1 from the witness to the Hon'ble Court as stated and recorded in para 20 at page 30 & the Judgment and Order in Civil Contempt Petition No. 459 of 2001, Ex. 'A' herein on 23rd January, 2003, about respondent No.1 rendering "unblemish service" for a period of thirty three years, while in fact recently on 18.1.2001 he i.e Resp. No.1 was suspended for six months for his neglect, lapses, and dereliction of duty by Respondent No.2 and respondent No.3.

b. that after satisfying itself this Hon'ble Court about the falsehoodness and incorrectness of respondent No.1's statement as stated in (a) above, it will be just and proper and this Hon'ble Court is requested to enhance the sentence so granted only of till rising of the court to the maximum term of six months and to initiate proceedings of perjury against respondent No.1 & 3 hereinabove, in the interest of justice."

That Application came to be decided and dismissed by me after hearing the petitioner by my order dated

14.10.2003.

2. Present Civil Application No. 1 of 2004 is taken out by the petitioner. He now wants that since his Application No.42 of 2003 was for review, I should not have heard and decided and I should have referred it to Justice Khandeparkar. There is no substance in this contention. Prayers in C.A. 42 of 2003 clearly show that it was for some independent and distinct relief, not concerned or connected with the order of Justice Khandeparkar. This Application is frivolous, it is rejected with costs of Rs.1,500/-.

8.2.2005

(D. G. DESHPANDE, J.)